



Order Filed on January 18, 2022  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re

Chapter 11

LTL MANAGEMENT LLC,<sup>1</sup>

Case No. 21-30589-MBK

Debtor.

**STIPULATION AND ORDER REGARDING EXPERT DISCOVERY AND TESTIMONY**

**DATED: January 18, 2022**

  
\_\_\_\_\_  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

<sup>1</sup> The last four digits of the Debtor's taxpayer identification number are 6622. The Debtor's address is 501 George Street, New Brunswick, New Jersey 08933.

The parties hereto, through their respective counsel of record, hereby stipulate to the following regarding the scope of expert discovery and testimony relating to all testifying experts in connection with the (a) the adversary proceeding captioned *LTL Management LLC v. Those Parties Listed on Appendix A to Complaint, et al.*, Adv. Pro. No. 21-3032 (MBK), (b) *Motion of the Official Committee of Talc Claimants to Dismiss Debtor's Chapter 11 Case* [[Dkt. 632](#)], and (c) *Motion to Dismiss Bankruptcy Case* filed by Arnold & Itkin [[Dkt. 766](#)] (collectively, the "Contested Matters"), subject to approval by the Court.

1. No subpoenas (for depositions or documents) need be served on any testifying expert from whom a report is provided in this case. Instead, the party or parties retaining such expert will make him or her available for deposition, at a time mutually agreed to by the parties, after the expert submits a report pursuant to Rule 26(a)(2)(B).

2. In addition, within three business days of service of a report, the party submitting such a report shall produce electronically (via physical media, email or other electronic transfer, or other mutually agreeable transmission) in native format: (i) a list of the documents, data, or other information considered by the expert in forming the expert witness's opinions, and copies of each document listed, except for documents that are specifically identified (*i.e.*, with a Bates number or docket entry) and have already been produced in the Contested Matters, or that are publicly available at the time the report is served; (ii) the expert witness's qualifications, including a list of all publications authored in the previous 10 years; (iii) a list of all other cases, during the previous four years, where the expert witness has testified as an expert at trial or by deposition; and (iv) a statement of the compensation to be paid for the study and testimony in this case. To the extent that an expert's report or other disclosures include charts, tables, exhibits, information or data processed or modeled by computer at the direction of a disclosed testifying

expert in the course of forming the expert's opinions, machine-readable copies of the exhibits, information or data (including all linked data files, input and output files, formulas contained within spreadsheet cells and similar electronic information necessary to understand the charts, tables, exhibits, information or data) sufficient to allow the replication of all analysis contained in the report, where applicable, along with appropriate computer programs and instructions necessary to access and use the data (unless such computer programs are reasonably and readily commercially available) shall be produced. In addition, to the extent an expert's report or other disclosures include information gleaned from websites and from third-party sources not readily available, copies of the content of those websites or third-party sources shall also be provided. For the avoidance of doubt, the disclosure requirement in this paragraph does not apply to any demonstratives that a party may create for future court hearing or trial.

3. The parties agree that the limitations on discovery set forth in Fed. R. Civ. P. 26(b)(4)(B)-(D) apply to experts retained in connection with any of the Contested Matters and their reports.

4. Without varying the above paragraphs, examination shall be permitted on alternative analyses, methodologies, or approaches to issues on which the expert is testifying, regardless of whether the expert considered them in forming the expert's opinions, and on any matter not excluded from disclosure by the terms of this stipulation.

5. Nothing in this stipulation shall be construed to preclude or limit the discoverability of any documents or other information considered by an expert witness in preparing his or her report(s) or that is otherwise discoverable under any order of the Court or the Federal Rules of Civil Procedure (as made applicable to adversary proceedings and contested matters by the Federal Rules of Bankruptcy Procedure). And neither the terms of this Order nor the parties'

agreement to them shall be an admission by any person that any of the information restricted from discovery by this order would otherwise be discoverable or admissible.

So stipulated and agreed to by the parties.

AGREED AND CONSENTED TO BY:

/s/ Mark Rasmussen

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This Order has been signed electronically.  
The judge's signature and court's seal appear  
at the top of the Order.

United States Bankruptcy Court